

**REMARKS**

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-20 are currently being prosecuted. Claims 1, 3, 8, 9, 14, and 20 are amended. Claims 1, 8, and 20 are independent. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks set forth herein.

**Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by amending the claims to address the claim objections made by the Examiner. This Amendment was not presented at an earlier date in view of the fact that the Examiner made a final rejection in the latest Office Action based on additional reference cited for the first time in this Final Office Action.

**Allowable Subject Matter**

The Examiner states that claim 18 and 19 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. Rather than rewriting either claim 18 or 19 independent form at this time, as described below, independent

claims 1, 8, and 20 are amended herein to include novel subject matter not taught or made obvious by the references cited by the Examiner.

**Claim Objections**

Claim 9 is objected to because of an informality. In response, claim 8 from which claim 9 depends is amended herein to address the issues pointed out by the Examiner. According, reconsideration and withdrawal of this objection are respectfully requested.

**Rejection under 35 U.S.C. §103(a)**

Claims 1-3, 5-14, 17, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishikawa (JP 09009577) in view of Wakao et al. (WO99/16654); and claims 4, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishikawa in view of Wakao et al., as applied to claim 3 above, and further in view of Okada (U.S. 5,444,314). These rejections are respectfully traversed.

**Amendment to Independent Claim 1**

While not conceding the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 1 is amended herein to recite a combination of elements directed to a motor-assisted drive unit motor, including a first control board having a substantially flat surface facing away from said motor, the flat surface being directly attached to an inner wall of a casing.

Full support for a first control board 135, 302 having a substantially flat surface facing away from said motor 21, the flat surface being directly attached to an inner wall 95 of

a casing can be seen in Figs. 1 and 11, respectively. For written support in the specification, the Examiner is directed to the paragraphs beginning on page 16, line 5, and page 17, line 10, as amended in the response dated November 21, 2002.

By contrast, a careful study of Nishikawa (for example Fig. 3), shows that this document merely teaches a substrate 1, 1b attached by screw 7 to a bearing housing 8.

Thus, the Applicant respectfully submits that Nishikawa fails to teach or make obvious the combination of elements set forth in independent claim 1, for the reasons stated above.

While not cited in the rejection of claim 1, neither the Wakao et al. nor the Okada document can make up for the deficiencies of Nishikawa.

According, claim 1 and the claims depending therefrom are in condition for allowance.

**Amendment to Independent Claim 8**

While not conceding the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 8 is amended herein to recite a combination of elements directed to a motor-assisted drive unit motor, including a second control board having a surface larger than a surface of the first control board and entirely overlapping the first control board.

Full support for a second control board 136, 136 having a surface larger than a surface of the first control board 135, 302 and entirely overlapping the first control board 135, 302 can be seen in Figs 3 and 12, respectively.

By contrast, a careful study of Nishikawa (for example Figs. 2 and 4), shows that this document merely teaches a substrate 1 partially overlapping printed wire board 13.

Thus, the Applicant respectfully submits that Nishikawa fails to teach or make obvious the combination of elements set forth in independent claim 8, for the reasons stated above.

While not cited in the rejection of claim 8, neither the Wakao et al. nor the Okada document can make up for the deficiencies of Nishikawa.

According, claim 8 and the claims depending therefrom are in condition for allowance.

**Amendment to Independent Claim 20**

While not conceding the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 20 is amended herein to recite a combination of elements directed to a motor-assisted drive unit motor, including wherein one of the at least one control device on each of the control boards is mounted so as not to overlap with the motor.

Full support for one of the at least one control device 27, 29 on each of the control boards 135, 136, 302 is mounted so as not to overlap with the motor 21 can be seen in Figs. 1, 3, 11, and 12.

By contrast, a careful study of Nishikawa (for example Fig. 4), shows that only printed wire board 13 has control devices mounted so as not to overlap the motor.

Thus, the Applicant respectfully submits that Nishikawa fails to teach or make obvious the combination of elements set forth in independent claim 20, for the reasons stated above.

While not cited in the rejection of claim 20, neither the Wakao et al. nor the Okada document show at least one control device on each of two control boards mounted so as not to overlap the motor.

According, claim 20 is in condition for allowance.

**Amendment to Dependent Claim 14**

While not conceding the Examiner's rejection, claim 14 is amended herein to recite novel combination of elements, including a motor and the first and the second control boards being disposed in the casing, the first control board having a substantially flat surface facing away from the motor, the substantially flat surface directly attached to an inner wall surface of the casing, and the second control board being disposed over the first control board, with a gap disposed between the first control board and the second control board.

No combination of Nishikawa, Wakao et al, and Okada teaches or suggests the combination of elements set forth in claim 14. Thus, claim 14 should be considered allowable.

In view of the amendments and arguments above, independent claims 1, 8, and 20 should be in condition for allowance. Regarding the dependent claims, these claims should also be allowable due to their dependence on allowable independent claims 1 and 8,

respectively, as well as for the additional novel limitations contained therein. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

### **CONCLUSION**

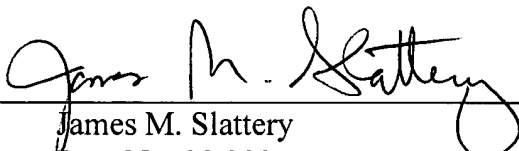
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Attachments

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